

Application Serial No.: 09/711,362  
Reply to Office Action dated September 1, 2006

### REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

The Applicants note that the Advisory Action dated March 23, 2007, indicated that the amendments set forth in the Amendment After Final under 37 CFR 1.116 filed on March 1, 2007, would be entered *for purposes of appeal*. However, since the Applicants have decided not to appeal at this time, the Amendment After Final is considered to not have been entered, and therefore the present Amendment is being submitted for consideration without the entry of the Amendment After Final and the claim status identifiers and amendments set forth herein have been made accordingly.

Claims 1, 3-20, and 37 are presently active in this case, Claims 1, 3, 4 and 11 having been amended and Claim 37 having been added by way of the present Amendment. Claims 2 and 21-36 have been canceled without prejudice or disclaimer.

Care has been taken such that no new matter has been entered.

In the outstanding Official Action, Claims 1-7, 10-12, and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bassereau (U.S. Patent No. 2,446,403). Claims 1-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Tejima et al. reference (JP 9-248549) in view of the Bassereau reference. For the reasons discussed below, the Applicants request the withdrawal of the obviousness rejections.

The basic requirements for establishing a *prima facie* case of obviousness as set forth in MPEP 2143 include (1) there must be some suggestion or motivation, either in the

references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, (2) there must be a reasonable expectation of success, and (3) the reference (or references when combined) must teach or suggest all of the claim limitations. The Applicants respectfully submit that a *prima facie* case of obviousness cannot be established in the present case because the references, either when taken singularly or in combination, fail to teach or suggest all of the claim limitations recited in amended independent Claim 1 of the present application.

In addition to the previously submitted arguments in support of Claim 1, the Applicants further submit that the Bassereau reference and the Tejima et al. reference, either when taken singularly or in combination, do not disclose or suggest a tube having a second opening on an end of the tube and a third opening on the tube, and an exhaust system that has an exhaust opening, the third opening of the tube being positioned opposed to the exhaust opening when the tube is inserted into the first opening, the exhaust system being configured to exhaust the first hermetic chamber via the second opening and the third opening and the exhaust opening when the tube is inserted into the first opening, as recited in Claim 1 of the present application.

The apparatus of the Bassereau reference includes a furnace (1), a condenser (4a), a hood (5), and an auxiliary chamber (7) connected to the hood (5) in a fluid-tight manner by connecting means (8) or separated from one another by sealing chamber (7) using closure plate (9). (Column 3, line 61, through column 4, line 8.) The condenser (4a) has an opening (4c) for permitting the pressure within and outside the condenser (4a) to be balanced at all

times. (Column 2, lines 49-55, and column 4, lines 30-33.) The chamber (7) is described as having an outlet (7a) that permits the chamber (7) and the chambers conjoined to be evacuated.

The Official Action cites the furnace (1) for the teaching of the first hermetic chamber of the present invention, and the condenser (4a) for the teaching of the tube. The Advisory Action clarifies that the outlet (7a) of the Bassereau reference is being cited for the teaching of an outlet for connection to a non-depicted exhaust. Additionally, the Advisory Action notes that left side opening of the condenser (4a) is being cited for the second opening of the present invention, and opening (4c) is being cited for the third opening of the present invention.

As depicted in solid lines in the figure of the Bassereau reference, when the condenser (4a) is present within the opening of the furnace (1) during processing, the opening (4c) is located at a great distance from outlet (7a). Thus, the Bassereau reference does not disclose or even suggest an apparatus that includes an exhaust opening, where a third opening of a tube is positioned opposed to the exhaust opening when the tube is inserted into a first opening of a chamber, as recited in Claim 1 of the present application. The opening (4c) of the condenser (4a) cannot be said to be *positioned opposed to* outlet (7a), as is evident from a review of the figure in the Bassereau reference.

Thus, the Applicants submit that a *prima facie* case of obviousness cannot be established with respect to Claim 1 based on the teachings of the Bassereau reference, since the Bassereau reference does not disclose or suggest all of the limitations recited in Claim 1.

Accordingly, the Applicants respectfully request the withdrawal of the obviousness rejection of Claim 1 based on the Bassereau reference.

With regard to the obviousness rejection based on the combination of the Tejima et al. reference and the Bassereau reference, the Official Action notes that the Tejima et al. reference is silent as to the tube having a second opening and a third opening in the manner recited in Claim 1. The Tejima et al. reference is cited for the teaching of, among other features, an exhaust system (606), as depicted in Figure 8 for example. However, since the Tejima et al. reference provides no teaching of a tube having a third opening, then the Tejima et al. reference clearly provides no teaching of a relationship between an exhaust opening and such a non-existent third opening. Furthermore, the Applicants note that the exhaust system (606) of the Tejima et al. reference is depicted as being connected to a rear wall similar to the location of outlet (7a) in the Bassereau reference. Therefore, even if condenser (4a) of the Bassereau reference were combined with the exhaust system (606) configuration of the Tejima et al. reference, then the resulting combination would teach an exhaust opening having a relationship to a third opening that is the same as the relationship between the opening (4c) and outlet (7a) in the Bassereau reference. As noted above, the opening (4c) of the condenser (4a) cannot be said to be *positioned opposed* to outlet (7a), as is evident from a review of the figure in the Bassereau reference. Thus, the Tejima et al. reference and the Bassereau reference, either when taken singularly or in combination, do not disclose or even suggest an apparatus that includes an exhaust opening, where a third opening of a tube is positioned opposed to the exhaust opening when the tube is inserted into a first opening of a

chamber, as recited in Claim 1 of the present application.

Therefore, the Applicants submit that a *prima facie* case of obviousness cannot be established with respect to Claim 1 based on the teachings of the combination of the Tejima et al. reference and the Bassereau reference. Accordingly, the Applicants respectfully request the withdrawal of the obviousness rejection of Claim 1 based on the combination of the Tejima et al. reference and the Bassereau reference.

Claims 3-20 are considered allowable for the reasons advanced for Claim 1 from which they depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor suggested by the applied references when those features are considered within the context of Claim 1.

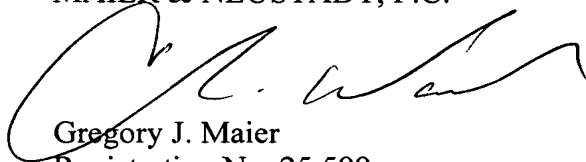
Newly added Claim 37 is believed to be in condition for allowance as it recited features that are neither disclosed nor suggested by the cited art. For example, Claim 37 recites a treatment apparatus comprising, among other features, a tube having an end with a second opening and a side with a third opening, the tube is movable to a second position in which the end of the tube is within a first opening of a first chamber, a second chamber has an exhaust opening configured to connect to an exhaust system, and the exhaust opening faces the third opening when the tube is in the second position.

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Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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